



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831

October 31, 2007

Re: JIC Advisory Opinion 2007-22

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you have been asked by the local County Historical Society to submit your name for possible appointment to the West Virginia Archives and History Commission. You attached the Blue Book page describing the Archives and History Commission. That page said that the Archives and History Commission shall be composed of thirteen members appointed by the Governor, by and with the advice and consent of the Senate. You indicated that as a long-time amateur historian you are interested in serving on the Commission. You asked whether service on the Commission would be a violation of any of the Canons of judicial ethics. You also asked whether your position as Family Court Judge, in any way, prevented your service on the Commission.

To address the question which you have raised, the Commission reviewed the Constitution of West Virginia, Article VIII, § 7. This section of the State Constitution states in relevant part.

No justice, judge or magistrate shall hold any other office, or accept any other appointment for public trust, under this or any other government; . . .

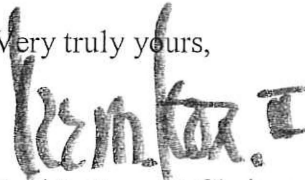
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Based upon the description of the Archives and History Commission and the manner in which members are placed on the Commission, it is the opinion of the Judicial Investigation Commission you may violate the Constitution of West Virginia, Article VIII, § 7 by accepting a nomination to the Commission which could constitute another office or appointment or public trust. For these reasons, it is the opinion of the Commission that you should not accept a nomination to that position.

It is hoped that this opinion fully addresses the question which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, prominent "F" and "L".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb
